

REMARKS

The originally filed claims were rejected under 35 U.S.C. §102(b) and 103(a) as being anticipated by or obvious in view of US Pat. 6,201,992 (Freeman) and US Pat. 7,310,553 (Freeman). Amended claims were finally rejected under 35 U.S.C. §102(b) and 103(a) as being anticipated by or obvious in view of WO publication 01/56652 (Freeman WO pub). US Pat. 7,069,074 (Covey et al.) and 5,797,969 (Olson et al.) were made of record and not relied upon but considered pertinent to the applicants' disclosure.

Amended Claim 13 calls for a method for guiding an operator of an AED in pad placement, comprising prompting an operator with a first electrode pad prompt; detecting with the automatic external defibrillator prior to pad attachment that the pad is being handled; prompting an operator, in response to detecting pad handling, to conduct a pad placement action; and sensing that the operator has conducted the prompted pad placement action. See the present specification at page 3, lines 5-21. The defibrillator of the Freeman WO pub prompts the operator to attach the pads in steps 121 and 122g. If the pads are correctly attached the impedance measured between the electrodes will be in the proper range and the defibrillator will prepare to deliver a shock. If the pads are not correctly attached, the defibrillator simply repeats the prompt to attach the pads. The defibrillator thus only knows that the pads are correctly attached or not correctly attached. The invention of Claim 13 improves this procedure by detecting, prior to pad attachment, that the pads are being handled. If the AED detects that the pads are being handled, it prompts the operator to place them on the patient. If this is done the AED senses the placement of the pads. This additional detection of pad handling better enables the AED to guide a layperson rescuer through precise and more correct application of the pads to the patient. Unlike Freeman WO

pub, the AED does not simply instruct the rescuer to apply the pads and look for correct attachment. Olson et al. is to the same effect; they simply monitor patient impedance and, if the patient impedance is out of range, instruct the rescuer to check the electrodes. Accordingly it is respectfully submitted that Claim 13 and its dependent Claims 14-22 are patentable over any of the citations of record.

Amended Claim 23 describes a method for guiding an operator of an automatic external defibrillator in pad placement on a subject comprising prompting an operator to conduct a pad placement action; sensing whether the pads are in proper contact with the subject and, if they are not; following sensing, issuing a pad correction prompt to remove a pad liner. An AED of Claim 23 thus guides the operator to correct a specific pad placement problem, the failure to remove a pad liner, with a specific instruction to that problem. See page 4, line 14 to page 5, line 14 of the present specification. The Freeman WO pub simply instruct the operator to attach the pads, and repeats the same prompt if correct attachment is not sensed by a proper patient impedance. Olson et al. simply give the general prompt of "check electrodes." Neither patent instructs the operator to the specific problem of failure to remove a pad liner. Accordingly it is respectfully submitted that Claim 23 and its dependent Claim 26 are patentable over the citations of record.

Amended Claim 24 describes a method for guiding an operator of an automatic external defibrillator in pad placement on a subject comprising prompting an operator to conduct a pad placement action; sensing whether the pads are in proper contact with the subject and, if they are not; and, following sensing, issuing a pad correction prompt that the pads must not be touching each other. See page 4, line 14 to page 5, line 14 of the present specification. Such a specific pad correction prompt is not found in either the Freeman WO

pub or the Olson et al. patent, the first of which simply repeats the instruction to attach the pads and the second of which simply advises the operator to check the electrodes. Since neither patent shows or suggests such a specific correction prompt that the pads are not touching each other, it is respectfully submitted that Claim 24 and its dependent Claim 27 are patentable over the citations of record.

Amended Claim 25 describes a method for guiding an operator of an automatic external defibrillator in pad placement on a subject comprising prompting an operator to conduct a pad placement action; sensing whether the pads are in proper contact with the subject and, if they are not; following sensing, issuing a pad correction prompt that the pads must not touch clothing. See page 4, line 14 to page 5, line 14 of the present specification. Such a specific pad correction prompt is not found in either the Freeman WO pub or the Olson et al. patent, the first of which simply repeats the instruction to attach the pads and the second of which simply advises the operator to check the electrodes. Since neither patent shows or suggests such a specific correction prompt that the pads must not touch clothing, it is respectfully submitted that Claim 25 and its dependent Claim 28 are patentable over the citations of record.

The Examiner's presumption that the claimed subject matter has been commonly owned at all relevant times is correct.

To complete the citations of record, the attention of the Examiner is directed to the citations in two related cases, US patent application serial number 10/561,335 (Denney et al.) and US patent application serial number 10/561,334 (Roberts et al.) The citations in these cases are listed on the enclosed information disclosure statement.

In light of the foregoing amendment and remarks, it is respectfully submitted that this application is now in

condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

KIM HANSEN ET AL.

By: /W. Brinton Yorks, Jr./  
W. Brinton Yorks, Jr.  
Reg. No. 28,923

Philips Electronics  
22100 Bothell Everett Highway  
P.O. Box 3003  
Bothell, WA 98041-3003  
(425) 487-7152  
December 16, 2008